REMARKS

In the Office Action, the Examiner noted that claims 22-25, 27, 31-35, 37 and 38 are pending in the application and that claims 22-25, 27, 31-35, 37 and 38 stand rejected. By this response, claims 22, 31, 32 and 38 are amended to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Thus the Applicant respectfully submits that all of these claims are now in allowable form.

Objections

The Examiner objected to the Applicant's claims 22-25, 27, 31-35 and 37 because the claims include the term "BCA" which is an acronym which could mean different things.

In response, the Applicant has amended independent claims 22, 32 and 38 to replace the term "BCA" with the actual words "burst cutting area" as suggested by the Examiner. Having done so, the Applicant respectfully submits that the basis for the Examiner's objection of claims 22-25, 27, 31-35 and 37 has been removed and respectfully requests that the Examiner's objection of claims 22-25, 27, 31-35 and 37 be withdrawn.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected the Applicant's claim 22 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding claim 22, the Examiner alleges that the term "the step of detecting" lacks sufficient antecedent basis.

In response, the Applicant has herein amended claim 22 to remove the term "the step of" as objected to by the Examiner. Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 22 has been removed.

Therefore, the Applicant respectfully submits that claim 22, as it now stands, fully satisfies the requirements of 35 U.S.C. §112 and is patentable thereunder. As such, the Applicant respectfully requests that the Examiner's rejection of claim 22 be withdrawn.

B. 35 U.S.C. § 103

The Examiner rejected claims 22-24, 27, 31-35 and 37-38 under 35 U.S.C. 103(a) as being unpatentable over Bakx (U.S. Patent No. 5,072,435) in view of Okazaki et al. (U.S. Patent No. 5,831,947, hereinafter "Okazaki") and further in view of Shim (U.S. Patent 6,608,804). The rejection is respectfully traversed.

Regarding claim 22, the Examiner alleges that Baks teaches a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium, the optical recording medium having identification information data which enables the identification of the optical recording medium including all of the aspects of the Applicant's claim except that Baks does not teach the specific adjustment values associated with track or focus control. As such the Examiner cites Okazaki for teaching the tracking or focus control of the Applicant's invention and specifically claim 22. The Examiner further concedes though that the combination of Baks and Okazaki fail to teach wherein a burst cutting area (BCA) data present on the optical media is used as the identification data of the optical recording media. As such the Examiner cites Shim for teaching wherein a burst cutting area (BCA) data present on the optical media is used as the identification data of the optical recording media of the Applicant's claim 22. The Applicant respectfully disagrees.

The Applicant respectfully submits that the teachings of Bakx and Okazaki, alone or in any allowable combination, absolutely fail to render obvious at least the Applicant's amended claim 22, which specifically recites:

"A method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at east optical recording media of the same type, the method comprising:

detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium to identify the optical recording medium;

determining if adjustment values associated with tracking or focus control for reading from the identified optical recording medium are accessibly stored for said apparatus;

in response to identifying stored adjustment values for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment values; and

in response to determining that adjustment values for said apparatus are not accessibly stored, initializing said apparatus to determine respective adjustment values for the tracking or focus control and regulating circuits of said apparatus such that said apparatus is able to optimally read from the identified optical recording medium, and respectively storing said determined adjustment values for said apparatus and the corresponding identification data of said identified optical recording medium;

wherein the content of a burst cutting area data area on the recording medium is used as the identification data;

wherein the step of detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the burst cutting area data area; and

wherein the identification data is detected without track regulation."

Amended, independent claims 22 and 31 have been restricted to the case of reading from an optical recording medium. The amendment is supported throughout the Applicant's Specification and specifically on (page/line) (7/7-9/27) and (10/4-11/2). More specificaly, the Applicant's amended, independent claims 22 and 31 have been restricted to the case where the identification data are being detected from the optical recording medium inserted in the apparatus. The amendment is supported in the Applicant's Specification on (page/line) (6/20-23), (7/19-21), and (8/1-6).

The Applicant respectfully submits that Bakx does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical

recording media of the same type, the method comprising steps of detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if adjustment values associated with tracking or focus control for reading from the identified optical recording medium are accessibly stored for said apparatus as claimed by at least the Applicant's amended, independent claims.

In contrast to the invention of the Applicant, Bakx teaches an information recording device [Abstract, (column/line) (1/13-14)], aiming at improved writing adjustment [(1/35-37)]. In all of Bakx, adjustment parameters relate to a driver circuit, which converts the recording signal to a drive signal for a read/write head in such a way that an information pattern is recorded [(3/34-39) (12/66)]. More than that, Bakx suggests away from the subject-matter claimed in our application, by stating:

"the information pattern (...) can be read by scanning the pattern with a read beam of a constant intensity, which is low enough to preclude a detectable change in optical properties (7/62-66) "the modulation of the read beam can be detected in a customary manner" (8/1-2), "the read circuit 9 comprises an EFM demodulator 114 of customary type" (11/12-13), "read/write head is set to the read mode" (11/66-67), (12/35-36). Other than that, Bakx is silent about the process of reading. Nowhere does Bakx disclose or suggest, that the process of reading or of becoming ready to read depends on any adjustment parameters, let alone adjustment values associated with tracking or focus control for reading. Bakx does not contain any motivation to reduce the initialization time of an apparatus for reading.

The Applicant further submits that the teachings of Okazaki absolutely fail to bridge the substantial gap between the invention of the Applicant and the teachings and invention of Bakx. That is, **Okazaki** does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising detecting, from an optical recording medium inserted into said apparatus, the identification data of the

optical recording medium. Instead and in contrast to the invention of the Applicant, in Okazaki, detecting the identification data of the optical recording medium is performed by receiving it from external host computer (100 in Fig. 4), (8/14-16), (200 in Fig 7), (11/45-47). Nowhere does Okazaki disclose or suggest an identification data being detected from an optical recording medium.

The Applicant further submits that the teachings of Shim also fail to bridge the substantial gap between the teachings of Bakx and Okazaki and the invention of the Applicant. That is, the teachings of Shim for a disk having unique code for identifying its type for optical disk player and method for discriminating types thereof fail to bridge the gap between the teachings of Bakx and Okazaki and the invention of the Applicant. That is, **Shim** does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium as taught and claimed by the Applicant. Instead and in contrast to the invention of the Applicant, Shim merely teaches a BCA (Burst Cutting Area) code including a unique disk code indicating the type of a disk is written in a BCA code area of the disk. In Shim, if the disk is mounted into the optical disk player, the optical disk player reads data written in the BCA code area, extracts the disk code contained in the read data, and confirms the type of the disk corresponding to the extracted disk code by retrieving a disk code table in which disk codes corresponding to the types of disks are mapped. However, Shim also fails to disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium as taught and claimed by the Applicant.

Therefore, the Applicant submits that for at least the reasons recited above independent claim 22 is not rendered obvious by the teachings of Bakx, Okazaki and Shim alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, independent claims 31 and 38 recite similar relevant features as recited in the Applicant's independent claim 22. As such, the Applicant submits that for at least the reasons recited above independent claims 31 and 38 are also not rendered obvious by the teachings of Bakx, Okazaki and Shim, alone or in any allowable combination, and also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Furthermore, dependent claims 23-24, 27 and 32-35 depend either directly or indirectly from independent claims 22 and 31 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 23-24, 27 and 32-35 are also not rendered obvious by the teachings of Bakx, Okazaki and Shim alone or in any allowable combination. Therefore the Applicant submits that dependent claims 23-24, 27 and 32-35 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

CUSTOMER NO.: 24498
Serial No. 09/898,150
Response to Office Action dated 3/20/07
Response dated: 5/25/07

PATENT
PD000032

Please charge any unpaid, additional fees to Deposit Account No. 07-0832.

Respectfully submitted,

Dietmar Uhde

By: _____

Jorge Tony Villabon, Attorney
Reg. No. 52,322
(609) 734-6445

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

May 25, 2007